

STATE OF SOUTH CAROLINA

(Caption of Case)  
In the Matter of:

BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA

COVER SHEET

Annual Review of Base Rates for Fuel Costs for  
Duke Energy Carolinas, LLC

DOCKET

NUMBER: 2012 - 3 - E

(Please type or print)

Submitted by: Charles A. Castle

SC Bar Number: 79895

Address: Duke Energy  
550 S Tryon St., DEC45A  
Charlotte, NC 28202

Telephone: 704.382.4499

Fax: \_\_\_\_\_

Other: \_\_\_\_\_

Email: alex.castle@duke-energy.com

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

**DOCKETING INFORMATION** (Check all that apply)

- ☐ Emergency Relief demanded in petition      ☐ Request for item to be placed on Commission's Agenda expeditiously
- ☒ Other: Motion for Admission Pro Hac Vice and Verified Application of Brian Lamont Franklin

INDUSTRY (Check one)	NATURE OF ACTION (Check all that apply)		
<input checked="" type="checkbox"/> Electric	<input type="checkbox"/> Affidavit	<input type="checkbox"/> Letter	<input type="checkbox"/> Request
<input type="checkbox"/> Electric/Gas	<input type="checkbox"/> Agreement	<input type="checkbox"/> Memorandum	<input type="checkbox"/> Request for Certification
<input type="checkbox"/> Electric/Telecommunications	<input type="checkbox"/> Answer	<input checked="" type="checkbox"/> Motion	<input type="checkbox"/> Request for Investigation
<input type="checkbox"/> Electric/Water	<input type="checkbox"/> Appellate Review	<input type="checkbox"/> Objection	<input type="checkbox"/> Resale Agreement
<input type="checkbox"/> Electric/Water/Telecom.	<input type="checkbox"/> Application	<input type="checkbox"/> Petition	<input type="checkbox"/> Resale Amendment
<input type="checkbox"/> Electric/Water/Sewer	<input type="checkbox"/> Brief	<input type="checkbox"/> Petition for Reconsideration	<input type="checkbox"/> Reservation Letter
<input type="checkbox"/> Gas	<input type="checkbox"/> Certificate	<input type="checkbox"/> Petition for Rulemaking	<input type="checkbox"/> Response
<input type="checkbox"/> Railroad	<input type="checkbox"/> Comments	<input type="checkbox"/> Petition for Rule to Show Cause	<input type="checkbox"/> Response to Discovery
<input type="checkbox"/> Sewer	<input type="checkbox"/> Complaint	<input type="checkbox"/> Petition to Intervene	<input type="checkbox"/> Return to Petition
<input type="checkbox"/> Telecommunications	<input type="checkbox"/> Consent Order	<input type="checkbox"/> Petition to Intervene Out of Time	<input type="checkbox"/> Stipulation
<input type="checkbox"/> Transportation	<input type="checkbox"/> Discovery	<input type="checkbox"/> Prefiled Testimony	<input type="checkbox"/> Subpoena
<input type="checkbox"/> Water	<input type="checkbox"/> Exhibit	<input type="checkbox"/> Promotion	<input type="checkbox"/> Tariff
<input type="checkbox"/> Water/Sewer	<input type="checkbox"/> Expedited Consideration	<input type="checkbox"/> Proposed Order	<input type="checkbox"/> Other:
<input type="checkbox"/> Administrative Matter	<input type="checkbox"/> Interconnection Agreement	<input type="checkbox"/> Protest	
<input type="checkbox"/> Other:	<input type="checkbox"/> Interconnection Amendment	<input type="checkbox"/> Publisher's Affidavit	
	<input type="checkbox"/> Late-Filed Exhibit	<input type="checkbox"/> Report	

**BEFORE**  
**THE PUBLIC SERVICE COMMISSION OF**  
**SOUTH CAROLINA**  
**DOCKET NO. 2012-3-E**

In the Matter of:	)	
	)	
Annual Review of Base Rates for Fuel	)	
Costs for Duke Energy Carolinas, LLC	)	<b>MOTION FOR ADMISSION <i>PRO HAC</i></b>
	)	<b><i>VICE</i></b>
	)	
	)	
	)	

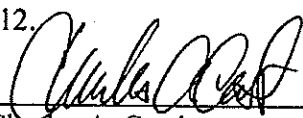
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Duke Energy Carolinas, LLC ("Duke Energy Carolinas" or the "Company") hereby moves the Public Service Commission of South Carolina (the "Commission") to permit Brian Lamont Franklin to practice *pro hac vice* before the Commission in the above-captioned matter.

Pursuant to SCACR 404, Mr. Franklin, together with counsel of record, is simultaneously filing a copy of the Verified Application for Admission *Pro Hac Vice* with the South Carolina Supreme Court. Attached is the original Verified Application.

WHEREFORE, as the provisions set forth in SCACR 404 have been satisfied, Duke Energy Carolinas requests this motion be granted.

Dated this 16<sup>th</sup> day of May, 2012.

  
\_\_\_\_\_  
Charles A. Castle  
Associate General Counsel  
Duke Energy Carolinas, LLC  
550 South Tryon Street, DEC45A  
Charlotte, North Carolina 28202

**BEFORE**  
**THE PUBLIC SERVICE COMMISSION OF**  
**SOUTH CAROLINA**  
**DOCKET NO. 2012-3-E**

In the Matter of:

Annual Review of Base Rates for Fuel  
Costs for Duke Energy Carolinas, LLC

**CERTIFICATE OF SERVICE**

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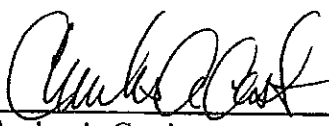
This is to certify that I have caused to be served this 16<sup>th</sup> day of May 2012 a copy of Duke Energy Carolinas, LLC's **Motion for Admission *Pro Hac Vice*** via first class United States mail, postage prepaid, to the persons named below at the addresses set forth:

Scott Elliott  
Elliott & Elliott, P.A.  
1508 Lady Street  
Columbia, SC 29201

Shannon Hudson  
Office of Regulatory Staff  
1401 Main Street, Suite 900  
Columbia, SC 29201

Courtney Edwards  
Office of Regulatory Staff  
1401 Main Street, Suite 900  
Columbia, SC 29201

This the 16<sup>th</sup> day of May, 2012.

  
\_\_\_\_\_  
Charles A. Castle  
Associate General Counsel  
Duke Energy Carolinas, LLC  
526 S. Church Street, EC03T  
Charlotte, North Carolina 28202



Charles A. Castle  
Associate General Counsel

Duke Energy Carolinas, LLC  
550 South Tryon Street  
Charlotte, NC 28202

Tel 704.382.4499  
Fax 980.373.8534  
alex.castle@duke-energy.com

May 16, 2012

VIA OVERNIGHT DELIVERY  
South Carolina Supreme Court  
Office of Bar Admissions  
1231 Gervais Street  
Columbia, South Carolina 29201

RE: PSCSC Docket No. 2012-3-E (Duke Energy Carolinas, LLC Fuel)

Dear Clerk:

Enclosed for filing please find an Application for Admission Pro Hac Vice and Certificate of Good Standing for Brian Lamont Franklin in the above referenced case. Also enclosed is the required filing fee of \$250.00.

Should you need additional information, please contact me at the number listed above.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Charles A. Castle', written over a horizontal line.

Charles A. Castle

Enclosures

Copy: Parties of Record  
Jocelyn Boyd, Chief Clerk, PSCSC

**VERIFIED APPLICATION FOR ADMISSION *PRO HAC VICE*  
IN THE STATE OF SOUTH CAROLINA**

IN THE MATTER OF:

Docket No. 2012-3-E

Annual Review of Base Rates for Fuel Costs for  
Duke Energy Carolinas, LLC

Public Service Commission of South Carolina

Mailing Address:

101 Executive Center Drive, Suite 100  
Columbia, South Carolina 29210

Comes now, Brian L. Franklin, applicant herein, and respectfully represents the following:

1. Applicant resides at:

[REDACTED]  
Street Address  
[REDACTED] [REDACTED] [REDACTED] [REDACTED]  
City County State Zip Code  
[REDACTED]  
Telephone

2. Applicant is an attorney and a member of the law firm of (or practices law under the name of)

Duke Energy Corporation, with offices at  
550 S. Tryon Street, DEC45A  
Street Address  
Charlotte Mecklenburg North Carolina 28202  
City County State Zip Code  
980-373-4465 980-373-8534  
Telephone Fax Number

3. Applicant has been retained personally or as a member of the above named law firm by Duke Energy Carolinas, LLC to provide legal representation in connection with the above case now pending before the above named court of the State of South Carolina.

4. Since June of 2006, applicant has been, and presently is, a member in good standing of the bar of the highest court of the District of Columbia or the State of North Carolina where applicant regularly practices law. Attached is a certificate of good standing.

5. Applicant has been admitted to practice before the following courts: (List all of the following courts applicant has been admitted to practice before: United States District Courts; United States Circuit Courts of Appeals; the Supreme Court of the United States; and courts of other states or the District of Columbia.)

Court:

United States District Court, Northern District of Illinois

Date Admitted:

May 2001

Applicant is presently a member in good standing of the bars of those courts listed above, except as listed below: (List any court named in the preceding paragraph that applicant is no longer admitted to practice before).

Applicant no longer is licensed to practice in Illinois. Applicant allowed registration to lapse following permanent relocation to North Carolina in 2006.

6. Applicant presently is not subject to any suspension or disbarment proceedings, and has not been formally notified of any complaints pending before a disciplinary agency, except as provided below (give particulars, e.g., jurisdiction, court, date):

Not applicable

7. Applicant never has had any application for admission *pro hac vice* in this or any other jurisdiction denied or any *pro hac vice* admission revoked, except as provided below (give particulars, e.g., date, court, docket number, judge, circumstances; attach a copy of any order of denial or revocation):

Not applicable

8. Applicant never has had any certificate or privilege to appear and practice before any administrative body suspended or revoked, except as provided below (give particulars, e.g., date, administrative body, date of suspension and reinstatement):

Not applicable

9. Local counsel of record associated with applicant in this case is Charles Alexander Castle, of Duke Energy Corporation, which has offices at:

550 S. Tryon Street,  
DEC45A

Street Address

Charlotte

City

Mecklenburg

County

North Carolina

State

28202

Zip Code

704-382-4499

Telephone

If applicable list all other firms/attorneys you are associated with in this matter

Not applicable

10. Applicant has previously filed an application to appear *pro hac vice* in the following South Carolina cases (give case name and status of litigation, date of application, local counsel of record in each case, and state whether application is pending or was granted).

Applicant has previously filed applications to appear *pro hac vice* for the following cases in South Carolina, and those applications were granted:

- Before the Public Service Commission of South Carolina, Docket No. 2005-385-E, Petition of the Office of Regulatory Staff to Establish Dockets to Consider Implementing

the Requirements of: Section 1251 (Net Metering and Additional Standards of the Energy Policy Act of 2005); Local counsel of record was Catherine E. Heigel of Duke Energy Corporation;

- Before the Public Service Commission of South Carolina, Docket No. 2008-447-EG, Petition to Establish Docket to Consider Implementing the Requirements of: Section 1307 (State Consideration of Smart Grid) of the Energy Independence & Security Act of 2007; Local counsel of record was Catherine E. Heigel of Duke Energy Corporation; and
- Before the Public Service Commission of South Carolina, Docket No. 2009-3-E, Annual Review of Base Rates for Fuel Costs for Duke Energy Carolinas, LLC; Local counsel of record was Catherine E. Heigel of Duke Energy Corporation.
- Before the Public Service Commission of South Carolina, Docket No. 2010-3-E, Annual Review of Base Rates for Fuel Costs for Duke Energy Carolinas, LLC; Local counsel of record was Charles Alexander Castle of Duke Energy Corporation.
- Before the Public Service Commission of South Carolina, Docket No. 2011-3-E, Annual Review of Base Rates for Fuel Costs for Duke Energy Carolinas, LLC; Local counsel of record was Charles Alexander Castle of Duke Energy Corporation.

11. Applicant agrees to comply with the applicable statutes, laws and rules of the State of South Carolina and will familiarize him/herself with and comply with the South Carolina Rules of Professional Conduct. Applicant consents to the jurisdiction of the South Carolina courts and Commission on Lawyer Conduct.

12. Applicant respectfully requests to be admitted to practice in the above named court for this case only.

DATED this 10<sup>th</sup> day of May, 2012.

  
APPLICANT

VERIFICATION

STATE OF North Carolina )

COUNTY OF Mecklenburg )

I, Brian L. Franklin, do hereby swear or affirm under penalty of perjury that I am the applicant in the above styled matter; that I have read the foregoing application and know the contents thereof; and that the contents are true of my own knowledge, except as to those matters stated on information and belief, and that as to those matters I believe them to be true.

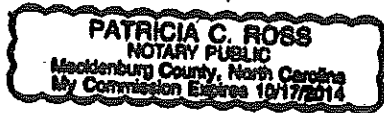
  
APPLICANT/AFFIANT

Subscribed and sworn to before me this 16 day of May, 2012.

Patricia C. Ross

Notary Public for the State of North Carolina

My Commission Expires: 10-17-2014





### LOCAL COUNSEL CONSENT

I hereby consent, as local counsel of record, to the association of applicant in this cause pursuant to Rules Governing Admission *Pro Hac Vice* to the South Carolina Bar.

DATED this 16<sup>th</sup> day of May, 2012.



LOCAL COUNSEL OF RECORD

### CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of this application upon the South Carolina Supreme by mail addressed to: South Carolina Supreme Court Office of Bar Admissions, PO Box 11330, Columbia, SC 29211, accompanied by payment of the \$250 filing fee payable to the South Carolina Supreme Court on this 16<sup>th</sup> day of May, 2012.

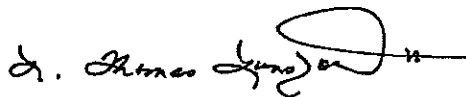
  
APPLICANT/AFFIANT

# The North Carolina State Bar

I, L. Thomas Lunsford, II, Secretary of the North Carolina State Bar, do hereby certify that Mr. Brian Lamont Franklin (35075) was licensed to practice law by the State of North Carolina on June 30, 2006. Said lawyer is presently an active member of the North Carolina State Bar and is eligible to practice law in North Carolina. Said lawyer is not subject to a pending order of administrative or disciplinary suspension. Said lawyer's financial account with the State Bar is current. Therefore, said lawyer is in good standing with the North Carolina State Bar.

This certificate is issued without regard to prior discipline, or any unresolved disciplinary charges or grievances.

Given over my hand and the Seal of the North Carolina State Bar, this  
5<sup>th</sup> day of April, 2012.



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Secretary of the North Carolina State Bar

Check Date: 11.May.2012 Vendor Number [REDACTED] Name: STATE OF SOUTH CAROLINA SUPREME COURT Check Number: [REDACTED]

Invoice Number	Invoice Date	Voucher ID	Gross Amount	Discounts Taken	Late Charge	Paid Amount
[REDACTED]	09.May.2012	[REDACTED]	250.00	0.00	0.00	250.00
BLFRANKLIN PROHACVICE ADMISSION						

Check Number:	Date	Total Gross Amount	Total Discounts	Total Late Charges	Total Paid Amount
[REDACTED]	11.May.2012	\$250.00	\$0.00	\$0.00	\$250.00

DUKE ENERGY NAME AND LOGO ARE ON BACK. HOLD AT AN ANGLE TO VIEW. VOID IF ABSENT.



Duke Energy Business Services  
400 South Tryon Street  
Charlotte, NC 28285

JPMORGAN CHASE BANK, N.A.  
Syracuse, NY

Corporate Accounts Payable  
Mail Code ST25B  
100 South Tryon Street  
Charlotte, NC 28285

Date 5/11/12

Pay Two hundred fifty and xx / 100 Dollars

**\$\*\*250.00**

To The  
Order Of

STATE OF SOUTH CAROLINA SUPREME COURT  
OFFICE OF BAR ADMISSIONS  
PO BOX 11330  
Columbia, SC 29211

  
Authorized Signature